

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BERNARION VANLEER,

Plaintiff,

v.

R. MCKINNEY, *et al.*,

Defendants.

Case No. 25-cv-10861

Honorable Terrence G. Berg

Magistrate Judge Elizabeth A. Stafford

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**ORDER FOR THE MDOC TO SUPPLY DEFENDANTS' LAST KNOWN  
ADDRESSES**

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In March 2025, Plaintiff Bernarion VanLeer was granted leave to proceed in forma pauperis, and the United States Marshals Service (USMS) was directed to serve defendants. ECF No. 4. Defendants Shell, Ford, and Van returned waivers of service. ECF No. 7; ECF No. 8; ECF No. 13. And Defendants McKinney, Dungy, Fallon, Jennings, Newland, Reily, and Shipman have appeared in the case and moved for summary judgment without raising insufficient service of process. ECF No. 12; ECF No. 18. Thus, service is either complete or waived for these defendants. See Fed. R. Civ. P. 12(b), (g)(2), (h)(1); *see also United States v. Willhite*, No. 99-73910, 2015 WL 4715963, at \*2 (E.D. Mich. Aug. 7, 2015) (“Waiver

of the defense of defective service generally occurs when the party fails to raise the defense in its first responsive pleading.”).

Service has not taken place for Defendants Brown, Brant, or Johnson, all of whom appear from the pleadings to be corrections officers. By July 11, 2025, the Michigan Department of Corrections must provide the USMS with those defendants’ last known addresses.

s/Elizabeth A. Stafford  
ELIZABETH A. STAFFORD  
United States Magistrate Judge

Dated: July 7, 2025

### **NOTICE TO PARTIES ABOUT OBJECTIONS**

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. **“When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”** E.D. Mich. LR 72.2.

### **CERTIFICATE OF SERVICE**

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on July 7, 2025.

s/Davon Allen  
DAVON ALLEN  
Case Manager